

Docket No. 020630

Serial No. 10/648,623

REMARKS/ARGUMENTS

Before this Amendment, claims 1-39 were present for examination. Claims 1, 2, 9, 10, 14 and 16 are amended. Claims 40-66 were withdrawn because of a restriction requirement, and subsequent election of claims 1-39. Claims 1, 9, 10, 14, 17, 24, 32, 33, 36, 37, and 38 are the independent claims. Applicants thank the Examiner for indicating that claims 32 and 36 are allowable. Claims 1-31, 33-35, and 37-39 are presented for reconsideration and allowance.

The Office Action dated September 13, 2005 ("Office Action") rejected claims 1-3 and 8 under 35 USC §102(e) being anticipated by the cited portions of U.S. Patent No. 6,853,848 to Sahinoglu (hereinafter "Sahinoglu"). The Office Action rejected claims 9 and 14-16 under 35 USC §102(e) being anticipated by the cited portions of U.S. Patent No. 6,650,902 to Richton (hereinafter "Richton"). The Office Action rejected claims 10-11, 17-22, and 24 under 35 U.S.C. §103(a) as unpatentable over Richton in view of the cited portions of U.S. Patent No. 6,799,049 to Zellner (hereinafter "Zellner"). The Office Action rejected claims 33-35, and 37-39 under 35 U.S.C. §103(a) as unpatentable over the cited portions of U.S. Patent Application No. 2003/0186710 to Muhonen (hereinafter "Muhonen") in view of Zellner.

Restriction

The Office Action requires restriction to one of two identified sets of claims:

- I. Claims 1-39
- II. Claims 40-66

Applicants reaffirm the election to prosecute the claims of Group I without traverse.

Discussion of Rejections Under 35 USC §102

A. Sahinoglu: Claims 1-3 and 8 were rejected under 35 USC §102(e) as anticipated by Sahinoglu. In order for a claim to be anticipated by a reference, each and every element as set forth in the claim, must be described, either expressly or inherently, in the single prior art reference. The Office Action states that Sahinoglu describes every claimed element of the rejected claims.

Claim 1, as amended, recites an equipment identity processor which is configured to "selectively generate location services control signals that control operation of the CPU responsive to an identified characteristic of the *location services equipment identity*" (emphasis added). Sahinoglu fails to teach or suggest this element of the claim.

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Sahinoglu instead describes a method for delivering location services using *mobility profiles*. In Sahinoglu, a "service manager" is used to retrieve location information and mobility profiles of a mobile terminal. *See, Sahinoglu*, Col. 2, ll. 38-41. This information is then used to deliver customized services to the mobile terminal based on the mobility profile of the user. *Id.*

Specifically, Sahinoglu fails to disclose a processor responsive to an identified characteristic of the location services equipment. Sahinoglu describes how the delivery of content may be adapted to the current mobility profile of the mobile terminal. *Id.*, Col. 2, ll. 45-50. But these mobility profiles are used to *classify* different types of mobile *use*, such as pedestrian, bicycler, or urban driver. *Id.*, Col. 2, ll. 34-37. The reference provides the example wherein "a MT used by a pedestrian has limited battery power, unlike a mobile terminal used by a vehicle driver. Therefore, the content and rate adaptation (transcoding) is necessary to minimize energy consumption of the pedestrian's MT." *Id.*, Col. 2, ll. 41-45.

But there is no teaching or suggestion that the services be tailored based on the characteristics of the identified equipment. The mobility profiles of Sahinoglu may change based on movement or power source alone. The *identity* of location services equipment does not change in this manner. In Sahinoglu, the location services delivered to the mobile terminals are adapted based on a *use* classification, and not on an identified *equipment* classification as recited in claim 1. Therefore, Sahinoglu fails to teach or suggest each and every element set forth in the claim.

Applicants, therefore, respectfully request reconsideration and allowance of claim 1. Claims 2-8 each depend from this independent claim, and are believed allowable for at least the reason that they depend from an allowable base claim.

B. Richton: Claims 9 and 14-16 were rejected under 35 USC §102(e) as being anticipated by Richton. Claim 9, as amended, describes a location server that can "selectively generate location services control signals to control operation of the system in response to an equipment characteristic of the mobile station to which location services are to be provided," Richton fails to disclose or suggest this claim limitation.

Richton discloses a method for wireless communication to a mobile unit using location based information. In Richton, a location based server stores instruction information to indicate the type of output that will go to the mobile unit, such as emails, airline schedule information, and traffic information. *See Richton*, Col 3. ll. 15-22. The location based controller "controls the operation of the other elements in the location based server." *Id.*, Col. 4, ll. 1-2. Information may then be provided to a user based on pre-stored preference

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instructions retrieved from the database for a particular user, in light of the determined location of that user.

The following passage from Richton illustrates this functionality, discussing how "the location based preferences server 305 'understands' the user's preferences (e.g., preference for particular airline schedule when the user has approached a threshold, such as within 2 miles of the airport, for example). The location based preferences server 305 matches a user's stored preferences of airlines, for example, to stored location based preferences, such as receiving airline info when within 2 miles of the airport, and maintains the user's specified actions and preferences as a user profile, to be invoked whenever the user calls for location-based services." *Id.*, Col. 3, ll. 43-52.

The teaching of Richton differs from the present invention, wherein the location server of claim 9 generates location service control signals for the system in response to *an equipment characteristic* of the mobile station. Such equipment characteristics are discussed in the Specification. *Original Application*, p. 12, ¶ 30-32. The system of Richton is different, sending information based on the *location* of the device, in light of *user preferences*. *Richton*, Col. 3, ll. 26-28. Richton clearly does not teach a method to selectively generate control signals based on mobile station equipment characteristics.

Claim 14, as amended, includes features similar to those features of claim 9 discussed above, namely, the selective generation of control signals based on mobile station equipment characteristics. Applicants, therefore, respectfully request reconsideration and allowance of claims 9 and 14 for the foregoing reasons. Claims 15 and 16 each depend from independent claim 14, and are believed allowable for at least the reason that they depend from an allowable base claim.

Discussion of Rejections Under 35 U.S.C. §103

A. Zellner: Claims 10-11, 17-22, and 24 were rejected under 35 U.S.C. §103(a) over Richton in view of Zellner. Applicants respectfully request reconsideration and allowance of these claims.

To establish a *prima facie* case of obviousness, the prior art reference, or references when combined, must teach or suggest all of the claim limitations. MPEP §2143. Claim 10 includes features that are similar to those features of claims 9 and 14 discussed above. But Zellner does not cure the deficiencies of Richton. The Office Action cites Zellner as teaching a location server including memory for storing location and identification information for the wireless device. *Zellner*, Col. 2, ll. 54-65. But Zellner teaches the use of identification

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numbers (e.g., serial numbers), not "a manufacturer, a model, a bug, an error code" as specifically set forth in the claim. Moreover, there is no suggestion in Zellner that the identifying numbers be used to lookup the characteristics of the equipment (e.g., manufacturer, model, hardware, etc.). The distinction between "equipment information" and "identifier information" is set forth in the Specification, as well. *Original Application*, p. 12, ¶ 30.

As noted above, Richton also fails to teach the generation of location service control signals for the system in response to *an equipment characteristic*. Therefore, because neither Richton or Zellner teach these limitations, the Applicants respectfully request reconsideration and allowance of claim 10. Claims 11 and 12 each depend from this independent claim, and are believed allowable for at least the reason that they depend from an allowable base claim.

Claims 17 and 24 include features that are similar to the features of claim 10 discussed above. Claims 17 and 24 each recite "identifying a mobile station type." The Office Action states that Richton does not teach identifying a mobile station type, and that this limitation is found in Zellner. *Office Action*, p. 9, ll. 6-11. But Zellner merely suggests storing serial number or other unique identifier of a wireless device. *Zellner*, col. 2, ll. 53-65. Zellner fails to suggest that such identifiers be used to "identify" a "type" of mobile station. Instead, Zellner suggests that the identifiers may be used to distinguish the device from other devices in the system.

As noted above, this difference between "equipment information" and "identifier information" is set forth in the Specification, as well. *Original Application*, p. 12, ¶ 30. Moreover, claim 26 illustrates this distinction, reciting the steps of "receiving an international mobile equipment identifier from the mobile switching center; and querying a database for the mobile station type corresponding to and associated with the mobile station user identifier." Claim 28 further differentiates these concepts. These elements make it clear that storing an identifier is distinct from the step of identifying the underlying equipment or equipment type, as required by the specified claims.

Because Zellner fails to teach these limitations, Applicants respectfully request reconsideration and allowance of claims 17 and 24. Claims 18-23 and 25-31 each depend from these independent claims, and are believed allowable for at least the reason that they depend from an allowable base claim.

B. Muhonen: Claims 33-35, and 37-39 were rejected under 35 U.S.C. §103(a) as unpatentable over Muhonen in view of Zellner. Applicants respectfully traverse the rejection and request reconsideration and allowance.

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Claims 33, 37, and 38 include features that are similar to those in claim 17 discussed above, namely, "identifying" or "determining" a "mobile station type." The Office Action, states that Muhonen does not explicitly teach this limitation. See Office Action, p. 11-13. Zellner does not cure the deficiencies of Muhonen, as Zellner fails to teach or suggest the identification or determination of a *mobile station type*, as discussed above.

Because Zellner fails to teach this limitation, Applicants respectfully request reconsideration and allowance of claims 33, 37 and 38. Claims 34, 35, and 39 depend from these independent claims, and are believed allowable for at least the reason that they depend from an allowable base claim.

Conclusion

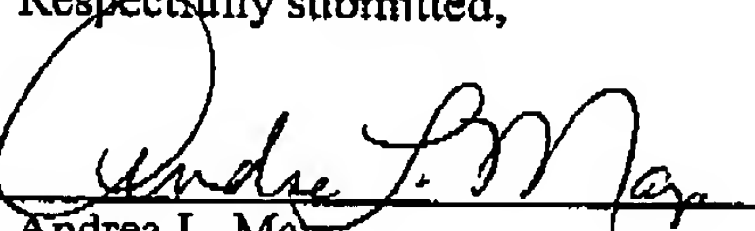
In light of the arguments presented above, the Applicants respectfully submit that the instant claims are patentable. Accordingly, reconsideration and allowance of this Application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 17-0026.

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